

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &  
BUILDING CODE APPEALS  
Meeting of  
June 23, 2021**

Board of Appeals Members Present: Kenneth Evans, David Houlé, Richard Baldin, Dustin Hayden, John Rusnov

Administration: Assistant Law Director Daniel J. Kolick

Assistant Building Commissioner: Brian Roenigk

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

**1) BOROWSKE BUILDERS, OWNER**

- a) Requesting a 20.87' Building Line Setback variance from Zoning Code Section 1252.13, which requires a 125' Building Line Setback from the center line of West 130 Street and where a 104.13' Building Line Setback from West 130 Street is proposed in order to construct a Single Family Dwelling;
- b) Requesting a 9' Rear Yard Setback variance from Zoning Code Section 1252.04 (f), which requires a 50' Rear Yard Setback and where a 41' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at the NE corner of Whitney Road and West 130 Street, PPN 398-06-028, zoned R1-75.

Mr. Rusnov stated that he supports both variances since this is now an improved property and not a vacant lot. Mr. Roenigk stated that there are no issues with the builder.

**2) NAEL HANNOUSH AND RAMIA ALHANNA, OWNERS, Heather Fry with Debo's Paving, Representative**

Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 20' Rear Yard Setback is proposed in order to install a 16' Round Concrete Patio; property located at 19342 Trillium Trail, PPN 392-20-052, zoned R1-75.

Mr. Roenigk stated that the owners have revised their drawings and now only require one variance. Mr. Rusnov stated that there is no buffer behind the property. Mr. Houlé stated that he would like a setback that is more than 20 feet. Mr. Rusnov stated that the City should follow the Code. Mr. Evans stated that this property is not part of the deed restricted area.

Mr. Evans stated the minutes were received for the meeting of April 28, 2021. There are no changes. The minutes of April 28, 2021 will be submitted.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS  
MINUTES OF MEETING  
June 23, 2021**

The meeting was called to order at 8:00 PM by the Chairman, Mr. Evans.

Present: Mr. Evans  
Mr. Houlé  
Mr. Baldin  
Mr. Hayden  
Mr. Rusnov

Also Present: Mr. Kolick, Assistant Law Director  
Mr. Roenigk, Assistant Building Commissioner  
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this June 23, 2021 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL:	MR. EVANS	PRESENT
	MR. HOULÉ	PRESENT
	MR. HAYDEN	PRESENT
	MR. BALDIN	PRESENT
	MR. RUSNOV	PRESENT

Mr. Houlé – Mr. Chairman, I make a motion to amend the agenda to approve the minutes from the April 28, 2021 meeting.

Mr. Baldin – Second.

Mr. Evans – Thank you, Mr. Houlé, for the motion and Mr. Baldin for the second. May we have a roll call please?

ROLL CALL:	ALL AYES:	MOTION GRANTED
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Mr. Evans - I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have before us minutes from the April 28, 2021 meeting which now include the caucus notes thanks to Mr. Kolick and Mr. Houlé. Are there any corrections or anything else we discussed in caucus? There appears there is nothing else and we will submit those as they were given to us for the record. If you are here this evening and you intend to speak to the Board on any of the items or if you intend to speak at the public hearing, I would ask you now to stand and be sworn in along with our representative from the Building

Department and our Secretary. So if you intend to speak to introduce an item or to speak at a public hearing regarding one of the items, now would be the time to stand and be sworn in. We don't charge for it but it is necessary for you before you would speak.

Mr. Kolick stated the oath to those standing.

1) **BOROWSKE BUILDERS, OWNER**

- a) Requesting a 20.87' Building Line Setback variance from Zoning Code Section 1252.13, which requires a 125' Building Line Setback from the center line of West 130 Street and where a 104.13' Building Line Setback from West 130 Street is proposed in order to construct a Single Family Dwelling;
- b) Requesting a 9' Rear Yard Setback variance from Zoning Code Section 1252.04 (f), which requires a 50' Rear Yard Setback and where a 41' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at the NE corner of Whitney Road and West 130 Street, PPN 398-06-028, zoned R1-75.

Mr. Evans – We have two items on our Agenda this evening and I do want to let you know that the Board members have been out and visited both of the properties that are being presented tonight, so we have seen them. Item number one on our agenda is Borowske Builders. Do we have a representative here? If you will come forward, please, to the microphone and podium and we will first need your name and address for the record please.

Mr. Borowske – David Borowske, 10428 Abbey Road, North Royalton, Ohio.

Mr. Evans – Thank you very much. You are here asking for two variances for property to be built on West 130<sup>th</sup>. Give us a little bit of background. I don't know if you were here when we talked about in caucus, but we're familiar with the properties and give us a little bit of background, like two minutes or whatever.

Mr. Borowske – So we are looking to build a house on the corner lot on 130<sup>th</sup> and Whitney there. It's about a little over a half acre. We're building the house currently to the west of that right now. So it's a pretty large lot, considerably larger than the one next to it. Looking to build a house of about the same size, 2,400 square feet-ish. With the road lot restrictions being on a corner, it doesn't allow for much room. I think it's a pretty reasonable request. We're not going any further back than the existing house to the left of it would be and not extending any closer to 130<sup>th</sup> than the house would be that is North of it. So it would line up in those aspects. That's pretty much it.

Mr. Rusnov – One question. We discussed all this in caucus. You weren't here. We re-hashed all this, is it a topographical issue or a lot size irregularity that makes you need these variances for the placement of the house?

1) **BOROWSKE BUILDERS, OWNER, Cont'd**

Mr. Borowske – Yes.

Mr. Rusnov – That's the Reader Digest version of why you're here.

Mr. Borowske – Yes.

Mr. Rusnov – Okay. That works for me.

Mr. Houlé – I like the fact that you're going to have the alignment of both houses approximately the same frontage from the street so that makes it look a lot better too.

Mr. Borowske – I think aesthetically it will look appropriate.

Mr. Evans – For the record, our Building Department representative did state that the house that's currently under construction, he said was being built very well.

Mr. Borowske – I appreciate that.

Mr. Evans – We appreciate the fact that you're bringing your talents to the City.

Mr. Borowske – I was a long-time resident of Strongsville and love working here and like building nice houses here.

Mr. Evans – Anything else from Board members? This is a public hearing. I will ask if there is anybody in the audience who wishes to speak for the granting of the variances. Is there anyone who wishes to speak against the granting of the variances?

Mr. Kolick – You need to come up to the microphone.

Mr. Evans – If you would be so kind as to come up to the podium there. Take your time. We're going to first ask for your name and address please.

Ms. Maslyk – My name is Wanda Maslyk and our address is 9030 West 130<sup>th</sup> Street. We were the owners of the property that he purchased. So I just want a little clarification. I assume he wants to be closer to 130<sup>th</sup> with item (a) but item (b) it says nine foot rear yard setback so that means the house is going to be closer to our property line?

Mr. Evans – The house would, yes, would be closer to your property line. So the setback requires 50 feet and they want to be 41 feet away from the property line with the house. That's similar to the house that is already under construction to the west of where this is proposed.

1) **BOROWSKE BUILDERS, OWNER, Cont'd**

Ms. Maslyk – So that first house also has that setback of nine feet? Because we never got a notice on that.

Mr. Evans – It was either 8 or 9. I'm not sure which is was.

Ms. Maslyk – We never had a notice for that.

Mr. Evans – There would have been a notice that went out on that one.

Ms. Maslyk – The first thing that came in the mail was this one.

Mr. Evans – Well that one was done, I would have to guess, 8, 10, maybe 12 months ago.

Ms. Maslyk – Well alright.

Mr. Evans – But the notices would have gone out to the same group of people for both parcels.

Ms. Maslyk – I've lived there all my life and we've never had neighbors close by and I liked it that way. Now we're going to have somebody almost on our doorstep and we've got some goofy neighbors in the neighborhood already. It just worries me that they're going to be that close but I guess there's nothing I can do about it now.

Mr. Evans – Well there is but at this point I think that I'm going to ask Mr. Borowske to come back up again in a second and he can explain what is it on the layout of the house that would require that. My memory is that it is a part of the house to the west which is like the covered patio or something that required the variance. It wasn't that the house was that close and I'm guessing that it may be the case here. We'll let Mr. Borowske answer that. The problem is that these lots are relatively small and they have setback requirements so he's proposing to put it in alignment with the houses on Albion and then the houses on 130<sup>th</sup> those setbacks are much further except for that one yellow house that's 3 or 4 doors down from you which is right up on the road across from the ambulance center there. It's going to be in line with all the other houses. The side of the house that faces 130<sup>th</sup>. So I don't think it's going to compromise you as much as you might be lead to believe by the setback.

Ms. Maslyk – I hope not.

Mr. Evans – So I'm going to ask Mr. Borowske to come back up and he can explain.

Ms. Maslyk – Another quick question. Is there any kind of an ordinance for noise?

Mr. Evans – There are lots of ordinances for noise.

**1) BOROWSKE BUILDERS, OWNER, Cont'd**

Ms. Maslyk – Because I hear the workers sometimes at 7:00 in the morning. Not everybody is up that early. And then the goofy woman next door lets her dogs out night and day. I've been wakened at 3:00 in the morning, 5:00 in the morning. She lets the dogs out and they just bark all over the place.

Mr. Evans – That's a different problem. I would suggest you might want to talk to a Council person about that.

Ms. Maslyk – I know. And with the noise from the motorcycles and the hotrods, they go up and down 130<sup>th</sup> night and day, which to me is amazing because the nursing home is across the street but they're there. So if there's no water on the road they are out there. Alright. Anyway. I just wanted a little clarification on that.

Mr. Evans – I'll ask Mr. Borowski to come back up and we can talk about what parts of the house that he's designing that might extend into that variance area. I know on the house to the west, I'm pretty sure it was the porch that was the extension.

Mr. Borowski – Correct. Just a covered porch which required the variance on my initial first house. We actually requested the same variance setback for this house but we actually don't need quite as much. We just figured to be in alignment so as long as we got that approval we'd be good. We're actually going to be a few feet shorter than that I believe with this one. It's the same style house, a rear porch with a covered roof. So technically if you to remove the rear roof it would not require the variance.

Mr. Evans – So Ms. Maslyk you understand that it's just the porch again with a covered roof over it that it is requiring a variance. The house itself would not require it.

Mr. Borowski – I'll speak to guys about working at an appropriate time. I apologize for that.

Ms. Maslyk – I'm usually up that early but my sister stays up late at night so she is sleeping and in between that and that woman next door with the dogs.

Mr. Evans – We can't do anything about the dogs.

Mr. Kolick – We do have limits as to when you can start in the morning and that should take care of that problem.

Mr. Borowski – I am aware of those. I'll just make sure everyone else is.

Mr. Kolick – Thank you.

Mr. Evans – Is there anybody else in the audience who wishes to speak against the variances? Hearing none and seeing none, I would declare the public portion closed and entertain a motion.

Mr. Hayden – Mr. Chairman, I would like to make a motion to approve a 20.87' Building Line Setback variance from Zoning Code Section 1252.13, which requires a 125' Building Line Setback from the center line of West 130 Street and where a 104.13' Building Line Setback from West 130 Street is proposed in order to construct a Single Family Dwelling and (b) requesting a 9' Rear Yard Setback variance from Zoning Code Section 1252.04 (f), which requires a 50' Rear Yard Setback and where a 41' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at the NE corner of Whitney Road and West 130 Street, PPN 398-06-028, zoned R1-75.

Mr. Rusnov – Second.

Mr. Evans – Thank you, Mr. Hayden, for the motion and Mr. Rusnov for the second. May we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – Mr. Borowske, the variances have been approved by us. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If they do not act on it or if they do not delay it, then you'll be notified by the Building Department at the end of the twenty days and can move forward with it. Ms. Maslyk, thank you for coming. I hope that does answer your questions, Ms. Masyk, and everything will work out.

2) **NAEL HANNOUSH AND RAMIA ALHANNA, OWNERS, Heather Fry with Debo's Paving, Representative**

Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 20' Rear Yard Setback is proposed in order to install a 16' Round Concrete Patio; property located at 19342 Trillium Trail, PPN 392-20-052, zoned R1-75.

Mr. Evans – Item number two on our agenda is Nael Hannoush and Ramia Alhanna on Trillium Trail. Do we have someone here? There is no one here.

Mr. Rusnov – A no-show. We can still proceed without him here, can't we?

Mr. Kolick – I would think for the applicant that you would want the applicant here. If the applicant isn't here then we should move them to the next agenda.

Mr. Rusnov – Which is nothing.

2) **NAEL HANNOUSH AND RAMIA ALHANNA, OWNERS, Heather Fry with Debo's Paving, Representative, Cont'd**

Mr. Kolick – Were they notified Kathy?

Ms. Zamrzla – They dropped off a revised plan on June 8<sup>th</sup>.

Mr. Kolick – Can you act on it? Yes. I don't know if it's such a good idea particularly if there are questions about the location of the fire pit and the trees and all that.

Mr. Rusnov – But if he's had adequate notification. The City had to make him get a building permit and get the contractor license.

Mr. Evans – The only thing would be, Mr. Rusnov, and I know what Mr. Kolick is going to say is that if the applicant doesn't have an opportunity to respond if we turn it down we're going to have findings of facts and conclusions that would not put us in good light.

Mr. Kolick – We normally, if someone misses one meeting, we usually give them a second bite at the apple. If he doesn't show up again at the next meeting then my suggestion would be to go ahead and act on it and once we inform him that he's on the agenda, that's a different story.

Mr. Evans – The other point would be though are the other people in the audience that you've been chatting with about historical things, are they here for the public hearing?

Mr. Rusnov – I don't know. We were just taking a trip down memory lane.

Mr. Evans – Well I understand that and while you were doing memory lane the rest of us were conducting business. But we understand. But my point is if they're here for the public hearing why don't we do the public hearing?

Mr. Rusnov – Mr. Chairman, whatever you see fit to do.

Mr. Kolick – That's appropriate.

Mr. Evans – Item number two I've already announced. We do have a public hearing posted. Is there anybody in the audience who wishes to speak for the granting of the variance? Is there anybody who wishes to speak against the granting of the variance?

Ms. Zamrzla – They obviously knew about the meeting. Why didn't the applicant?

Mr. Evans – So I will need your name and address for the record.

2) **NAEL HANNOUSH AND RAMIA ALHANNA, OWNERS, Heather Fry with Debo's Paving, Representative, Cont'd**

Ms. Fannin – Diane Fannin, 19324 Trillium Trail, Strongsville. So it looks like we'll be back here in 2 weeks?

Mr. Evans – Fannin?

Ms. Fannin – Yes.

Mr. Evans – I knew that I knew the name from previous appearances.

Mr. Kolick – If you will pull that mic closer.

Ms. Fannin – There is a concern about how many trees are back there. There are three less because they were cut down off of our property, but having said that, there are still a lot of trees back there and that is a concern. I am just very grateful that it's not on our property anymore and I'm very grateful that they are not asking for any variance; that's it's going too far enough away from our property as well. But there is a concern that there are a lot of trees in that area and there isn't anybody here from behind there but I think they're older and not able to come. I don't speak for anyone back there but it just seems like going back that far, I personally have always felt, stick to the Codes. That's all.

Mr. Rusnov – If I heard you correctly, you said some of your trees were cut down?

Ms. Fannin – Yes. Originally it was all staked out and it's all still there and it's ready to be poured and it's on our property.

Mr. Rusnov – I saw that.

Ms. Fannin – And at some point in time, I don't think it was recently, but at some point in time...

Mr. Rusnov – Over the last 17 or twenty years.

Ms. Fannin – No.

Mr. Rusnov – How long have these people lived there?

Ms. Fannin – Well I mean, I'm saying in the last three years or so, there were some trees that were cut down that on our property.

Mr. Rusnov – On your property.

2) **NAEL HANNOUSH AND RAMIA ALHANNA, OWNERS, Heather Fry with Debo's Paving, Representative, Cont'd**

Ms. Fannin – Not an issue that I'm going to go forward with at all.

Mr. Rusnov – You want us just to make note of that. That some of your property was destroyed.

Ms. Fannin – Yes. And it's been dug out and brush put on our property and it's been dug out and ready to be poured and it's still sitting there like that. At some point I'll have to deal with that. But I think I want to do it in a way that still promotes good neighbors.

Mr. Baldin – So apparently they have done this without your approval?

Ms. Fannin – Yes.

Mr. Baldin – So you've never been happy? Did you confront these people at all?

Ms. Fannin – Um.

Mr. Baldin – You just let them go ahead and do it?

Ms. Fannin – No, it was just done. I noticed it and it was done. Honestly.

Mr. Baldin – There are quite a few trees back there. That's sort of a nice buffer.

Mr. Roenigk – Mr. Baldin, they contacted the Building Department. I personally went out there.

Ms. Fannin – I did. I called the Building Department because I noticed that things were going on back there and all this equipment was starting to come in and I thought it sure looks like that's on our property and it was.

Mr. Baldin – We all figured it out that it was. He went over back there and looked the first time and said something is not right here.

Ms. Fannin – So I want to maintain a good relationship there. Not going after that but it would be lovely if everything stayed to Code but as long as it's not past their house and so it's far away from our trees and everything.

Mr. Baldin – Well, John keeps asking that we should just conform to the Code because we have a lot of Codes in the City. If we did that we might as well do away with this Board. This Board has been around for I don't know how many years and we don't need the Board if we were to conform to all the Codes.

2) **NAEL HANNOUSH AND RAMIA ALHANNA, OWNERS, Heather Fry with Debo's Paving, Representative, Cont'd**

Mr. Kolick – The reason they gave that to you, though, is our strict reasons to follow to do it, and if you don't find a topographical problem, if you don't find a hardship, then you don't grant the variance that's being requested. You don't grant it just because they requested it, as Ken says, they have a right to request it, but you don't need to grant it unless they meet the conditions under the Code to grant it. At this point, Mr. Chairman, my suggestion would be, leave the public hearing open and make sure we notify them that they are on the next agenda and if they're here or not, we're going to act on it at the next agenda and we will do so.

Mr. Rusnov – In a perfect world, if everybody did conform with the Codes, we wouldn't be needed. Great, I get to stay home and watch Sponge Bob, but that's not going to happen. What I'm looking for is reasonable, just being reasonable, and if it fits the four criteria that we have to make this decision, fine, we can make an individual decision at that time. Whether or not we're going to grant the variance or deny the variance, and those are legitimate concerns I have from going out to the property but I noticed that the woods had been thinned down, didn't realize that some of her property was damaged which is not nice.

Mr. Evans – No, I agree. When I was out there in May and talked to the owner, he said they had tried to improve their property and cut down about 40 trees, is what he told me, according to my notes.

Mr. Rusnov – 40?

Mr. Evans – 40 trees.

Ms. Fannin – Yes.

Mr. Rusnov – And some of them were possibly on your property?

Ms. Fannin – Well, yes. But like I said, I'm not making an issue out of it. There's 50 trees there minus 3. What's the price of a neighborhood? I'm not here to make an issue of that.

Mr. Evans – So Ms. Fannin, what we're going to do is we're going to continue the public hearing so that if there would be a reason you would have an opportunity at the next meeting, we're going to add this to the July 7<sup>th</sup> agenda, it's not the second Wednesday, but the first Wednesday because we intersect with Homecoming. But that will be added onto the agenda but we will make note of that and I'm sure when we have a discussion with the applicant they'll be talking about those types of things.

Ms. Fannin – Okay.

2) **NAEL HANNOUSH AND RAMIA ALHANNA, OWNERS, Heather Fry with Debo's Paving, Representative, Cont'd**

Mr. Kolick – You're welcome to come back to the next meeting. You are not required to because we will take your concerns into account in our vote. This is all part of the same meeting. We're just continuing the hearing. You're welcome to come back, you're not required to.

Ms. Fannin – I know. Thank you. Will it be a negative for me if I don't attend?

Mr. Kolick – Well the only way it would be if they came in here and they said something that wasn't true that you might be able to rebut. I guess there could be.

Ms. Fannin – I'll see you July 7<sup>th</sup>.

Mr. Evans – Thank you Ms. Fannin.

Ms. Fannin – Thank you very much everyone.

Mr. Evans – So we'll continue the public hearing to July 7<sup>th</sup> for item number 2. Is there anything else to come before the Board this evening? If not, then we will stand adjourned.

Signature on File  
Mr. Evans, Chairman

Signature on File  
Kathy Zamrzla, Sec'y

July 28, 2021  
Approval date